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MINNEAPOLIS MN 55402-0903

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SEP 25 2008

In re Application of :
Wong et al. : DECISION ON
Application No. 09/652,360 : APPLICATION FOR
Filed: August 31, 2000 : PATENT TERM ADJUSTMENT
Atty Docket No. 14917.1119USU1:
/MS150704.3 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(B)," filed June 19, 2008. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from six hundred forty-four (644) days to seven hundred sixty-one (761) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is seven hundred sixty-one (**761**) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On March 19, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 644 days. On June 19, 2008, applicants timely submitted the instant application for patent term adjustment¹. Applicants contend that the patent term should be increased by 150 days, the time in excess of the permitted four month maximum time that lapsed between the filing of a Request for Continued Examination on July 21, 2004 and receipt of a Non-final Office

¹ PALM records indicate that the Issue Fee payment was also received on June 19, 2008.

on April 20, 2005. In addition, applicants disclose that the patent term should be decreased by 33 days, due to an extension taken to respond on March 4, 2008 to the October 31, 2007 final Office action.

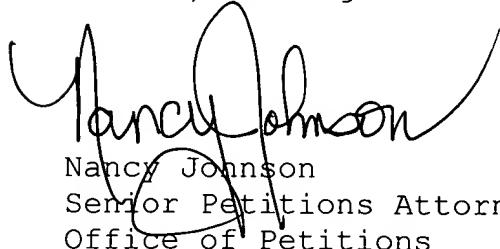
A review of the application history reveals that applicants are correct. The Office did not mail a notice of allowance in response to the request for continued examination filed July 21, 2004, until April 20, 2005, four months and 150 days later. Pursuant to 37 CFR 1.702(a)(2), a period of adjustment of 150 days is properly entered for Office delay. In addition, Applicants did not file a proper reply to the final Office action mailed October 31, 2007 until March 4, 2008, three months and 33 days later. Pursuant to 37 CFR 1.704(b), a period of reduction of 33 days is properly entered for applicant delay.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is seven hundred sixty-one (761) days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Updated PALM Screen

PALM INTRANET

PTA Calculations for Application: 09/652360						
Application Filing Date:		08/31/2000	PTO Delay (PTO):		762	
Issue Date of Patent:			Three Years:		0	
Pre-Issue Petitions:		0	Applicant Delay (APPL):		118	
Post-Issue Petitions:		0	Total PTA (days):		761	
PTO Delay Adjustment:		117				
File Contents History						
Number	Date	Contents Description		PTO	APPL	START
110	09/21/2008	ADJUSTMENT OF PTA CALCULATION BY PTO			33	
109	09/21/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		150		
98	03/19/2008	MAIL NOTICE OF ALLOWANCE				
97	03/17/2008	ISSUE REVISION COMPLETED				
94	03/11/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED				
93	03/11/2008	DOCUMENT VERIFICATION				
92	03/11/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING				
91	03/11/2008	EXAMINER'S AMENDMENT COMMUNICATION				
90	03/11/2008	NOTICE OF ALLOWABILITY				
89	03/10/2008	DATE FORWARDED TO EXAMINER				
88	03/04/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE				
87	03/10/2008	DATE FORWARDED TO EXAMINER				
86	03/04/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)				
85	03/10/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)				
84	03/04/2008	REQUEST FOR EXTENSION OF TIME - GRANTED				
83	03/04/2008	WORKFLOW - REQUEST FOR RCE - BEGIN				
82	01/17/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)				
81	10/31/2007	MAIL FINAL REJECTION (PTOL - 326)				
80	10/29/2007	FINAL REJECTION				
79	08/20/2007	DATE FORWARDED TO EXAMINER				
78	08/17/2007	RESPONSE AFTER NON-FINAL ACTION		31	74	

77	08/17/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
76	06/25/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
75	06/20/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
74	04/17/2007	MAIL NON-FINAL REJECTION			
73	04/13/2007	NON-FINAL REJECTION			
72	04/06/2007	CORRESPONDENCE ADDRESS CHANGE			
71	03/16/2007	CORRESPONDENCE ADDRESS CHANGE			
70	02/16/2007	DATE FORWARDED TO EXAMINER			
69	02/05/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
68	02/16/2007	DATE FORWARDED TO EXAMINER			
67	02/05/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		31	55
66	02/16/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
65	02/05/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
64	02/05/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
63	01/18/2007	MAIL ADVISORY ACTION (PTOL - 303)			
62	01/16/2007	ADVISORY ACTION (PTOL-303)			
61	01/09/2007	DATE FORWARDED TO EXAMINER			
60	01/05/2007	AMENDMENT AFTER FINAL REJECTION			
57	12/14/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
56	12/07/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
55	10/05/2006	MAIL FINAL REJECTION (PTOL - 326)			
54	09/29/2006	FINAL REJECTION			
53	06/28/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
52	07/27/2006	DATE FORWARDED TO EXAMINER			
51	07/14/2006	RESPONSE AFTER NON-FINAL ACTION			
50	04/14/2006	MAIL NON-FINAL REJECTION			
49	04/14/2006	NON-FINAL REJECTION			
48	03/27/2006	CASE DOCKETED TO EXAMINER IN GAU			
47	03/23/2006	CASE DOCKETED TO EXAMINER IN GAU			
46	03/01/2006	DATE FORWARDED TO EXAMINER			

45	02/09/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
44	03/01/2006	DATE FORWARDED TO EXAMINER			
43	02/09/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
42	03/01/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
41	02/09/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
40	01/03/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
39	11/13/2003	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
38	11/23/2005	MAIL FINAL REJECTION (PTOL - 326)			
37	11/18/2005	FINAL REJECTION			
36	11/09/2005	CORRESPONDENCE ADDRESS CHANGE			
35	11/09/2005	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
34	09/23/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
33	09/23/2005	DATE FORWARDED TO EXAMINER			
32	09/14/2005	RESPONSE AFTER NON-FINAL ACTION		56	30
31	09/14/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	04/20/2005	MAIL NON-FINAL REJECTION			
29	04/15/2005	NON-FINAL REJECTION			
28	01/26/2005	DATE FORWARDED TO EXAMINER			
27	07/21/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
26	01/26/2005	DATE FORWARDED TO EXAMINER			
25	07/21/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
24	01/26/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
23	01/18/2005	FILE MARKED FOUND			
22	10/27/2004	CORRESPONDENCE ADDRESS CHANGE			
21	10/12/2004	FILE MARKED LOST			
20	07/21/2004	WORKFLOW INCOMING AMENDMENT IFW			
19	07/21/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
18	07/14/2004	CASE DOCKETED TO EXAMINER IN GAU			
17	06/14/2004	EXAMINER INTERVIEW SUMMARY RECORD			

		(PTOL - 413)			
16	05/21/2004	MAIL FINAL REJECTION (PTOL - 326)			
15	05/20/2004	FINAL REJECTION			
14	05/13/2004	DATE FORWARDED TO EXAMINER			
13	04/28/2004	RESPONSE AFTER NON-FINAL ACTION			
12	04/28/2004	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
11	04/29/2004	WORKFLOW INCOMING AMENDMENT IFW			
10	02/24/2004	MAIL SUPPLEMENTAL NON-FINAL ACTION			
9	02/17/2004	SUPPLEMENTAL NON-FINAL ACTION			
8	12/02/2003	MAIL NON-FINAL REJECTION	762		-1
7	11/28/2003	NON-FINAL REJECTION			
6	10/15/2003	CASE DOCKETED TO EXAMINER IN GAU			
5	12/21/2000	CASE DOCKETED TO EXAMINER IN GAU			
4	10/16/2000	APPLICATION DISPATCHED FROM OIPE			
3	10/13/2000	CORRESPONDENCE ADDRESS CHANGE			
2	09/20/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/31/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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